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December 20, 2005

VIA ELECTRONIC MAIL

VIA U.S. Mail

The Honorable Charles L. A. Terreni
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

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2005 DEC 21 AM 10:07
SOUTH CAROLINA
COMMISSION OF

RE: Docket Number: 2002-57-EC, Mr. and Mrs. James Tarmann ("Tarmanns") vs. Duke Power, n/k/a as Duke Power, a division of Duke Energy Corporation ("Duke"), BellSouth, and the Public Service Commission Staff, **Duke's Response to Tarmanns' Email**

Dear Mr. Terreni:

Duke, through counsel, provides the following response concerning Docket No: 2002-57-EC.

Please reference the December 15, 2005 email from the Tarmanns, relevant to the above referenced matter. Also see the December 16, 2005 responsive email from Florence Belser, Esquire, General Counsel of the South Carolina Office of Regulatory Staff ("ORS"). We commend Ms. Belser's response to you which accurately describes the present status of this matter.

In our opinion the above referenced complaint has been ended by the final Order of this Commission. (See, Order No: 2003-358) Also, this Commission issued a clarifying Order subsequent to its final Order (See, Order No: 2003-575).

Therefore, we are at a loss to understand the Tarmann's reference in their email, "We have an Order, several, in our favor but no one has bothered to actively enforce that Order in over two years." We commend these Orders to the Commission.

It is important to note that the Tarmanns have, as Ms. Belser outlines in her email, filed criminal trespass notice against Duke, Duke's agents and employees, and ORS employees, among others. As a result of the Tarmann's actions, Duke filed a pleading styled as, "Notice of Constructive Termination," with this Commission and served the same on the Tarmanns. The

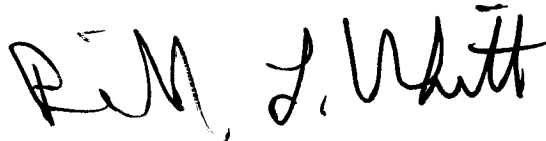
Tarmanns filed no responsive pleading to Duke's filing, nor did they file any comments with this Commission.

As a result of the Tarmanns' filing the Notice of Trespass against Duke discussed hereinabove, Duke instructed its employees and agents that they were never to enter in or upon the Tarmanns' premises under any circumstances, including an interruption of electric service. Despite the electric outage at the Tarmann premises, Duke must continue those instructions for the safety and well being of its agents, and employees. Furthermore, entry on to the Tarmanns' premises by Duke's employees and agents would subject them to possible criminal prosecution.

Duke is working diligently to restore service to the upstate area of South Carolina which has suffered electric outages as a result of a recent ice storm. However, Duke cannot change its policy of non entry on the Tarmanns' premises, for the reasons stated hereinabove. It is possible that Duke's action in restoring electric circuits located in close proximity to the Tarmanns' premises, that the Tarmanns' electric service will be restored.

Please let us know if you have any questions or concerns.

Respectfully Submitted,

Handwritten signatures of William F. Austin and Richard L. Whitt. The signature of William F. Austin is on the left, and the signature of Richard L. Whitt is on the right.

William F. Austin
Richard L. Whitt

RLW/rgw

cc: C. Dukes Scott, Esquire
Florence P. Belser, Esquire
(both of the South Carolina Office of Regulatory Staff)
Mr. and Mrs. James Tarmann
Patrick Turner, Esquire